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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,991	08/17/2001	Michael Wayne Brown	AUS920010776US1	4227

7590 02/23/2005
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EXAMINER

ELAHEE, MD S

ART UNIT PAPER NUMBER

2645

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/931,991	Applicant(s) BROWN ET AL.	
	Examiner Md S Elahee	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claim 7 is objected to because of the following informalities: the word 'attendent' appears to be 'attendant'. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al. (U.S. Patent No. 5,946,388).

Regarding claims 1, 8 and 10, Walker teaches receiving an incoming telephone call from at least one caller (fig.1, 5; col.4, lines 46, 47).

Walker further teaches placing the caller in a queue position [i.e., first position in the hold queue] (fig.1, 5; col.4, lines 54-60). (Note: caller's initial position in a queue is referring caller's first position in the queue)

Walker further teaches responsive to a request from a caller, pausing the queue position to create a paused hold status (fig.6-8; col.4, lines 54-65, col.5, lines 31-40). (Note: since, caller accepts an offer for changing his position in the queue it is inherent that a paused hold status is being created)

Regarding claims 2 and 14, Walker teaches returning the caller to an on hold status to create a second position in the hold queue, wherein the second position in the hold queue is

Art Unit: 2645

shorter than or equal to the first position in the hold queue (fig.6-8; col.4, lines 54-65, col.5, lines 19-29).

Regarding claims 3 and 11, Walker teaches that the request comprises changing the caller's position in the hold queue (fig.6-8; col.4, lines 54-65, col.5, lines 14-23, 31-40).

Regarding claims 4 and 12, Walker teaches that the request comprises changing the caller's position for a period of time (fig.6-8; col.4, lines 54-65, col.5, lines 14-23, 31-40).

Regarding claims 5 and 13, Walker teaches that crediting pause time to the caller based on the amount of time the caller has been in the hold queue (fig.6-8; col.4, lines 54-65, col.5, lines 14-23, 31-40).

Regarding claim 6, Walker teaches that the caller has been on hold for a period of time not less than the period of time requested (fig.6-8; col.4, lines 54-65, col.5, lines 14-23).

Regarding claim 7, Walker teaches forwarding the call to a representative [i.e., attendant] when the representative is available (col.5, lines 23-26).

Regarding claim 9, Walker teaches detecting that the caller is unavailable for connection to an attendant (col.5, lines 36-40).

Regarding claim 13 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Walker teaches monitoring how long the caller has been on hold (col.5, lines 19-23).

Walker further teaches granting the request based on the amount of time the caller has been on hold (fig.6, box 112; col.4, lines 57-65, col.5, lines 19-28, 36-40).

Regarding claim 15, Walker teaches inherently decreasing the amount of time on hold in the second position if the party returns to an on hold status before the expiration of the requested pause time (fig.6-8; col.4, lines 54-65, col.5, lines 14-23).

Regarding claim 16 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Walker teaches a PBX [i.e., communications device] for receiving a call (fig.1).

Regarding claim 17 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Walker teaches a data storage device 58 [i.e., recording medium] (fig.3; col.4, lines 1-7).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Walker et al. (U.S. Patent 6,735,300) teach Method and apparatus for enabling interaction between callers with calls positioned in a queue, Bilder (U.S. Patent 6,400,804) teach On-hold activity selection apparatus and method, Gallick et al. (U.S. Patent 6,798,768) teach Multimedia call routing in an IP network, Flockhart et al. (U.S. Patent 6,535,601) teach Skill-value queuing in a call center and Deutsch et al. (U.S. Patent 6,724,885) teach Automatic call distribution center with queue position restoration for call-back customers.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (703)305-4822. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.


Art Unit: 2645

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703)305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.E.

MD SHAFIUL ALAM ELAHEE
February 21, 2005



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